



Legislative Bulletin.....March 7, 2007

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H.R. 569 — Water Quality Investment Act of 2007

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: **\$1.8 billion over five years**

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 569 — Water Quality Investment Act of 2007 (*Pascrell, D-NJ*)

Order of Business: The bill is scheduled for consideration on Wednesday, March 7, 2007, likely subject to a modified open rule requiring pre-filing of all amendments in the *Congressional Record* by close of business on Tuesday, March 6, 2007.

Summary: H.R. 569 would reauthorize an expired federal program that provides grants to states to for the purpose of providing grants to a municipality for planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows. This federal grant's authorization expired in 2003, and **this bill would authorize the grant program**

through FY2012 at \$1.8 billion over the five-year period. Specifically, the bill would annually authorize the following amounts:

- FY 2008: \$250 million
- FY 2009: \$300 million
- FY 2010: \$350 million
- FY 2011: \$400 million
- FY 2012: \$500 million

H.R. 569 would also amend the Water Pollution Control Act to require that projects receiving federal sewer overflow control grants are subject to the same requirements applicable to projects receiving assistance from a state water pollution control revolving funds, except to the extent that the governor of the state in which the project is located determines that a revolving fund requirement is inconsistent with the purposes of the sewer overflow control grant program.

Finally, the bill extends until December 31, 2010 (from 2003), the deadline for the Administrator of the Environmental Protection Agency (EPA) to submit a report to Congress containing recommended funding levels for these grants. Current law requires that these recommendations “be sufficient to ensure the continued expeditious implementation of municipal combined sewer overflow and sanitary sewer overflow controls nationwide.” It is unclear if the 2003 report was ever submitted by the EPA to Congress.

Some conservatives may be concerned that this bill authorizes \$1.8 BILLION in federal grants for local sewage treatment infrastructure.

Additional Information: According to Committee Report [110-16](#), “Combined sewer systems, which carry both storm water and sanitary (sewage) flows, and separate sanitary sewer systems can overflow with untreated waste during wet weather episodes such as rainfall or snow melts. These combined sewer overflows and sanitary sewer overflows may also occur outside of precipitation events because of insufficient system capacity, poor system design, inadequate maintenance, inflow from improper connections to the system, and infiltration from groundwater into deteriorated pipes, among other factors.” The grants authorized in H.R. 569 are designed to provide funding to cities to redesign their sewer systems in order to manage sewage overflow issues.

Committee Action: H.R. 569 was introduced on January 18, 2007, and referred to the House Committee on Transportation and Infrastructure, which held a mark-up and reported the bill by voice vote, as amended, on February 16, 2007.

Cost to Taxpayers: CBO confirms that H.R. 569 would authorize \$250 million in FY2008 and a total of \$1.8 billion over the FY2008-FY2012 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill reauthorizes an expired grant program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply With the House Earmark Rule?: According to Committee Report 110-16, H.R. 569 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: The Transportation and Infrastructure Committee, in Committee Report 110-16 cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” (*emphasis added*).

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